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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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MAR 25 2003

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Marion and Johnston City, Illinois)

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MB Docket No. 02-295
RM - 10580

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of Station WDDD-FM, Marion, Illinois, by its counsel, hereby submits its Reply Comments to the "Comments of Joint Parties" in this proceeding. As will be discussed, the Joint Parties Comments are disingenuous and self-serving and fail to demonstrate that the public interest would be better served by a denial of the Marion proposal. In support, Clear Channel states as follows:

1. On June 12, 2002, Clear Channel filed the Petition for Rule Making to reallocate Channel 297B from Marion to Johnston City, Illinois as its first local service. Clear Channel reported that Johnston City currently has Station WDDD(AM) licensed to it coupled with an unbuilt expanded band Station WHITE(AM). Clear Channel had previously filed an application to change the community of license for Station WHITE from Johnston City to Berwyn, Illinois (population 54,016) (BMAP-20010719AAN) as its first local service.

2. Earlier, on May 31, 2002, the Joint Parties filed a "Joint Petition to Deny" the WHITE application arguing that if the Commission allowed WHITE to serve Berwyn, and, if five years thereafter, Clear Channel decided to turn in the license for WDDD(AM), then Johnston City would be left without local service.

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3. However, in the WHITE application, Clear Channel cited several instances where the Commission had allowed the expanded band facility to be relicensed to another community even though the former community would be left without local service within five years from when the decision is made to turn in one of the two station licenses.’ Those licensees relied on the existing AM band station to continue to provide service to the former community just as Clear Channel has done for Johnston City. Nevertheless, the Joint Parties argued that “if the [WHITE] Application is granted and Clear Channel relinquishes its license for WDDD, Johnston City will find itself completely abandoned, with no local service...” Joint Petition to Deny at p. 4.

4. Although Clear Channel believes there is more than adequate precedent for granting the WHITE application to provide Berwyn with its first local service, to avoid any question about the continuation of local service at Johnston City, Clear Channel petitioned for the reallocation of Station WDDD-FM from Marion to Johnston City under consideration here.

5. Now the Joint Parties argue Johnston City is not in need of local service because it has Station WDDD(AM) and a permit for expanded band Station WHITE(AM). Thus, under the Joint Parties analysis, Johnston City would receive a second local service. This is duplicitous reasoning. Obviously, the Joint Parties cannot have it both ways. They are not credible when they first argue that WHITE cannot move from Johnston City because it would eventually be left without service. Then they argue here that Station WDDD-FM cannot move to Johnston City because it already has service. The Commission is not so easily deceived. The Commission must find, consistent with Section 307(b), that Berwyn **is** deserving of a first local service. In doing so, the Commission can rely on the cited case precedent or on the retention of local service


¹ Clear Channel cited the following applications as precedent: Station KFOX(AM), Costa Mesa to Torrance, CA (BP-19980921AD); Station WWRU(AM), Elizabeth to Jersey City, New Jersey (BMP-19990401AE); Station KSMH(AM), Auburn to West Sacramento, California (BMAP-20000218AAX); and Station WRNC(AM), Warner Robins to Dry Branch, Georgia (BMP-19990701AA).

at Johnston City from WDDD(AM) or the reallocation of Station WDDD-FM to Johnston City. What the Commission cannot do consistent with Section 307(b) is deny a first local service to Berwyn on a technicality. There is no logical reason for the Commission to deny a first local service to Berwyn based on the separate procedures within the Audio Division of the Media Bureau for reallocating AM and FM stations to new communities of license as the Joint Parties would argue.' Contrary to the Joint Parties position, the Johnston City proposal here is not contingent. It is offered in the event the Commission determines that additional service is needed at Johnston City. Since no change in WDDD-FM facility is necessary, the station can immediately provide service to Johnston City upon grant of this proposal.

6. Accordingly, the proposal to reallocate Channel 297B from Marion to Johnston City, Illinois should be granted.

Respectfully submitted,

CLEAR CHANNEL BROADCASTING LICENSES, INC.

By: 
Mark N. Lipp
Shodk, Hardy & Bacon, LLP
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Its Counsel

March 25, 2003

² The Joint Parties cite Auburn, Alabama et al 17 FCC R 16277, para 4 (Audio Division 2002) for the proposition that contingent rule making proposals should not be processed. However the Auburn proceeding is currently under reconsideration.

CERTIFICATE OF SERVICE

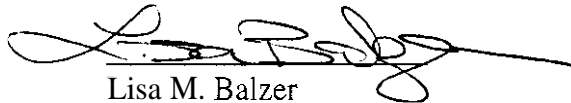
I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 25th day of March, 2003 caused to be mailed by first class mail, postage prepaid, copies of the foregoing **“REPLY COMMENTS** to the following:

* R. Barthen Gorman, **Esq.**
Federal Communications Commission
Audio Division
445 12th Street, SW
Room 3-A224
Washington, DC 20554

R. Clark Wadlow, **Esq.**
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, DC 20005
(Counsel to WGN Continental Broadcasting Company)

Kenneth E. Satten, **Esq.**
Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037
(Counsel to Bonneville International Corporation)

Steven A. Lerman, **Esq.**
Dennis P. Corbett, **Esq.**
Jean W. Benz
Leventhal Senter & Lerman PLLC
2000 K Street NW
Suite 600
Washington DC 20006
(Counsel to Infinity Broadcasting Operations, Inc.)


Lisa M. Balzer

* HAND DELIVERED